

TOWN OF BOW MAR, COLORADO
BOARD OF TRUSTEES
MINUTES OF THE REGULAR MEETING ON SEPTEMBER 19, 2011

CALL The regular meeting of the Board of Trustees of the Town of Bow Mar was called for Monday, September 19, 2011, Mayor Rick Pilgrim presiding. The meeting was held at No. 2 Middlefield Road, Columbine Valley, Colorado.

A quorum was declared present at 7:04 p.m.

PRESENT	Mayor	Rick Pilgrim
	Trustees	Merle McKittrick
		John Giese
		Gary Guilford
		Elizabeth Tulloch
		Carrie McLaughlin
		Rick Wilkins - absent
	Attorney	Hugh Gottschalk- absent
	Clerk/Treasurer	Karen Reutzel
	Police Chief	Bret Cottrell
	BMOI Rep.	Jane Carlson
	Citizens	Numerous – see attached sign-in sheet

Mayor Pilgrim led the group in the Pledge of Allegiance.

Report on the Audit of Town Financials for the Year 2010 – Commissioner John Giese/Wendy Swanhorst, CPA, Swanhorst & Co.-

Town Auditor Wendy Swanhorst of Swanhorst & Co. reported on the completion of their Audit for the 2010 Fiscal Year. They reported that the financial reports were fairly stated in the Town's financial records. She stated that controls were in place sufficient for a small municipality. Reserve balances are in the middle of what is typical for a municipality of our size. Our reserves don't have to be as large as municipalities reliant on sales taxes because our revenue sources (property taxes) are fairly predictable. She also explained that new accounting standard will allow the Town to account separately for funds designated for specific projects. She recommended making certain year-end general ledger adjustments to save auditing expenses and Swanhorst could assist with providing those adjustments. Commissioner McLaughlin asked whether there is a concern about overlap the Town Board and the Bow Mar Foundation Board. Ms. Swanhorst said that it was not a significant concern – although it is the governance structure and the size of the fund that require auditing of the Bow Mar Foundation financials.

A Motion was made to approve the 2010 Audit. Giese/Guilford. A roll call vote was taken and approved.

Giese – Aye
Guilford – Aye
McLaughlin – Aye

McKittrick - Aye
Tulloch - Aye
Wilkins - Absent

The 2010 Audit report will be posted on the website.

Public Comment-

Twenty residents attended the meeting to make their views known on a proposed ordinance to allow chicken-hens in Town, following the amendment to the Bow Mar Covenants which was approved in September.

Those opposed to a change to the ordinance prohibiting livestock (in this case chickens) commented as follows: Concerns raised by those opposed to an ordinance change expressed concerns about excessive noise to nearby neighbors. One neighbor played a video to indicate the noise level. Several suggested a referendum may be appropriate. Many urged neighbor approval within a certain radius. Concerns about the Town's ability to enforce an ordinance were raised. It was expressed that any adopted ordinance must be enforceable and equitable. Others raised concerns about the manner in which signatures were obtained to amend the covenants and the method by which votes were counted. Some stated that fees needed to be levied to offset the cost of enforcement. Some expressed concern about the effect of chickens on property values and did not feel that chickens were appropriate in an upscale suburban neighborhood. A comment was made that if chickens are to be allowed, no neighbor should be disturbed by them (noise, smell, appearance), no one's property values should go down, and Town property taxes should not go up to be used for enforcement. A few raised sanitation issues. Other comments included 1) there should be a maximum allowed of 3-4 chickens 2) permits should be reviewed every year for compliance 3) there should be setback and visibility rules, 4) there should be clear procedures for measuring compliance and statutory damages for violations, and 5) homeowners insurance should cover liability – proof of insurance should be required. The need for good neighborliness was stressed. One neighbor noted that the impact is greater for those neighbors with smaller lots. Another expressed that in addition to the lot size, the topography and landscaping of the lot needed to be considered. Several expressed concern that those with chickens are violating Town ordinances.

Those in favor of a change to the ordinance commented as follows: One resident stated that she has lived in Bow Mar for many years and trusts the Trustees – if they create rules and neighbors are responsible our lots are large enough to accommodate chickens. It would be enjoyable for children, and it is unlikely that there will be a lot of chickens in the neighborhood. Another neighbor who worked on the covenant amendment committee discussed the process of amending the covenants. He reported that no one was coerced to sign. He reported a majority of the neighborhood approved the covenant change. He thought the majority was spread over a wide demographic in the neighborhood. He reported that of many municipalities he polled who now allow

chickens (Littleton, Fort Collins, Longmont) have reported minimal complaints. Denver recently streamlined their process to allow chickens. He further reported that enforcement officials have not been burdened by these issues. Dogs are a much bigger issue than chickens to many Town residents. He noted that a neighbor who had 12 chickens has now reduced his coop to 5. Several expressed that they lived next door to a home with chickens and did not know the chickens were there. They do not hear them and the coop is attractive. They agreed that their experience was very different from some other neighbors who have been negatively impacted by being next door to some very noisy chickens and recognized that their experience was unfortunate. A chicken owner expressed that the covenant change was a huge undertaking with money expended out of their own pocket. They never thought this would become such a big issue and hoped it could be brought to conclusion quickly so the Town could focus on other, more important issues. This group also emphasized good neighborliness with regard to this issue. The Board was thanked for their effort. Another neighbor commented that he raised chickens growing up and that not all chickens are created equal – one chicken can make the whole flock loud. He moved to Bow Mar to have more freedom with his property. He would like the opportunity to have chickens as an educational experience for his children if he chose to do so. He would like more rights to his property not less.

Consent Agenda

The August 15, 2011 Minutes and August 2011 Treasurer's Report were reviewed and approved. Guilford/Giese/Unanimous.

Commissioner Reports

Public Safety- Commissioner Gary Guilford and Police Chief Bret Cottrell reported that there were 87 summons issued in August, including 33 in Bow Mar and 39 calls for service. Of note were two car break-ins on Lakeshore Drive by force. The cars were locked. He briefly discussed the unfortunate incident of a non-resident young man who took his life in the Mary's Meadow vicinity. Mary's Meadow is owned by the Town but sits within the City and County of Denver limits. The Chief had little information because it is a Denver police matter. Denver will be contacted to make sure that any remaining elements of the crime scene can be removed. Commissioner Tulloch requested an email to all Trustees when something like this happens.

He also urged that the chickens issue be resolved quickly because it has now been 10 months since the issue originally arose and the Trustees asked that enforcement of the ordinance be suspended until the Town could work through the request to permit chickens; the police officers need definitive direction. He has received some complaints from people questioning why the ordinance is not being enforced.

Finance – Commissioner John Giese reported that total revenue to date is at \$350, 411, \$40,000 ahead of August 2010. The Town has collected 87% of total expected revenue for the year. General government expenses are at 70% of budget, Public Safety at 66%, Parks & Rec at 53%, Public Works is at 81%. The Operating surplus stands at \$62,500.

The net surplus including non-recurring income is \$106,647. Most of the Town's revenues have been collected by this point in the year and the Town will spend those amounts down on budget items during the remaining months. The Board approved the August financials. McKittrick/McLaughlin/Unanimous.

Building - Commissioner Elizabeth Tulloch reported that a few building permits were issued in August. Several inquiries have been received about new projects including a new construction project planned on Redwood Drive.

Parks & Recreation – Commissioner McLaughlin reported that she has asked the two garden clubs to support the purchase of a new sign for the Berry entrance. Lakes of Bow Mar Garden Club provided \$1,500 and the Bow Mar Gardeners will contribute \$1,000 plus a possible commitment for additional funds if needed. The project will be undertaken in October. She discussed the possibility of auctioning off the old sign.

Public Works - Commissioner Merle McKittrick is getting quotes for repair of a gap which has opened up on Wagon Trail and pot holes on Homestead and Lakeshore. Mr. McKittrick noted that the repairs have been bid at \$9,000 which will exhaust his budget for the rest of the year. Mr. McKittrick explained that the large gap is the result of an attempted overlay of new asphalt over old where the new top layer has slid away from the old road surface. Now the entire piece needs to be cut out and repaired properly. The Board agreed that although his budget will be pushed, the repairs need to be made before it snows.

Intergovernmental - Mayor Rick Pilgrim reported in Commissioner Wilkins' absence. He reported he attended the August DRCOG meeting at which RTD presented its annual plan. DRCOG also provided some interesting information about aging communities – Arapahoe County in particular. It was discussed that there is a significant population in Bow Mar who are aging. BMOI President Jane Carlson noted that there are 100 people over age 65 in Town. It was suggested that perhaps DRCOG could come out to explain the available services for aging communities, perhaps at one of the garden club meetings or Monday club. Mayor Pilgrim will put a notice in the Bulletin seeking a volunteer in Town who might want to head up a project to connect senior service with those who could use them.

Clerk Comments Town Clerk Karen Reutzel reported that the next Regular Meeting of the Board will be held on October 17, 2011. She reported that several election deadlines (for Measure 2J to ask voters to consider approval from Town residents to take on debt to repair the road system) had been met and that she would submit an article to the Bulletin explaining the differing election processes in Jefferson and Arapahoe Counties this November. In Commissioner Wilkins' absence, she reported that Allied Waste/Republic Services had all existing customers signed up under the new contract. Seventeen seniors had signed up for the at-the-door pick-up service. Bob Johns helped assemble the list of those who wanted to use the service. Although there were a few missed homes the first week, she and Commissioner Wilkins were working with Republic to get everything working smoothly soon. Some incorrect billing issues were raised which Clerk Reutzel agreed to address with Allied Waste.

Mayor's Report Mayor Rick Pilgrim reported that Hugh Gottschalk has unfortunately had to resign as Town Attorney due to his busy legal practice and extensive travel schedule. Mayor Pilgrim asked the Board for suggestions for names for a new Town Attorney.

He reported that he attended the Metro Mayor's caucus meeting which provided some interesting information on healthy eating and active living. Although Bow Mar is an active community, of interest in the materials were neighborhood connectivity concepts such as "Safe Routes to Schools", traffic calming features other than speed humps and roadway designs to make "complete streets". These designs would designate lanes for bicycles/golf carts/pedestrians as well as autos and trucks. Improved bus stop locations could also be incorporated. He noted that if the road program passes the Town may have an opportunity to improve some of these issues on rebuilt roads as a benefit to the project.

BMOI Report – BMOI President Jane Carlson was pleased to report that BMOI has two more members this month. Fall Beach cleanup will be held October 1. Recycling stops Sept 27 at the beach area (one will remain at the fire pit). She reported that recycling has been very successful at the Beach. The BMOI budget committee has met. She explained that a big portion of their budget pays for water shares to fill the Lake – much of that is the cost of fixing and maintaining ditch system that transports the water. The annual BMOI meeting will be held November 9th at Centennial Elementary. Commissioner McLaughlin asked if drainage issues at Beach will be addressed. President Carlson acknowledged the issue and confirmed it will be addressed next Spring. BMOI is planning no big capital projects next year.

Old Business –

King Property Development Update – Pilgrim/McKittrick- Mayor Pilgrim reported that the Applicant has finished the submittals for their preliminary plat application. He and Commissioner McKittrick have been working with the Town Engineer to review the submittal. He reported that the Applicant's consultant has provided a list of questions for the Town to respond to. They have requested that the Town move forward with holding the formal hearing for the preliminary plat phase. The Board moved to accept the progress of the preliminary plat to date and to set the public hearing on October 17, notices to be posted by the Applicant by October 2.

A Motion was made and approved to accept the progress of the preliminary plat to date and to set the public hearing on October 17, notices to be posted by the Applicant by October 2. McKittrick/Tulloch/ Unanimous. Mayor Pilgrim will write a Bulletin article regarding the project. The possibility of a study session on Tuesday October 4 or Thursday October 6 was discussed. Clerk Reutzel agreed to check with Columbine Valley regarding availability of their meeting room. This could be combined with a study session to discuss the chicken ordinance issue.

Fourth Reading and Discussion Regarding Proposed Ordinance to Permit Keeping of Live Chickens at Residential Properties in Town - Mayor Pilgrim asked for comments from Trustees about the public response that was expressed earlier at the meeting. Commissioner McLaughlin noted that there are people who felt left out of the covenant amendment process, whether accurately or not, and there seems to be significant concern about the impact on property values and our way of life in Town. She also noted that enforcement is a big issue which the Town has not handled well historically because of the volunteer nature of Town government. The advisability of a referendum was discussed.

Commissioner Tulloch noted that any ordinance would need to be very specific and a referendum by law could not deal with all the details.

Commissioner McKittrick suggested that there may need to be some consideration of the size of lots such as a 1 acre lot minimum, or fewer chickens for smaller lots. Higher numbers of chickens competing may lead to higher noise too. He noted that a trial period may be necessary, and that asking neighbors for permission can become a burden on the neighbors. In other areas, the Town has tried to get away from neighbor sign-offs which make some people uncomfortable.

Commissioner Giese noted that there were issues with the basic mechanics of the ordinance that needed to be revised

It was also noted that the early draft of an ordinance did not address all of the public comment issues. The Board determined that the draft ordinance probably needed to be revised and was not ready for a public reading.

Mayor Pilgrim informed the Board that Barb Cole, a resident consultant who has participated in the drafting of a number of chicken ordinances in the state, has offered her services to assist the Town draft an ordinance. It was determined that the Board should work with Ms. Cole to revamp the current draft of the ordinance and a study session was proposed for the first week of October. Ms. Cole has suggested that in some jurisdictions the ordinance establishes a special use permit which would be renewable and revocable. The Town could use the police to enforce violations with clear direction. Monitoring and compliance could be done by one or more chicken owners who could police their fellow owners.

2012 Budget Worksheet – Commissioner Giese provided copies of the draft 2012 Budget to date. Expense categories and possible revisions were discussed. No action was taken, but the Trustees will continue to work on their budget areas for report the following month. The Budget is formally adopted at the December meeting.

Discussion and Possible Action regarding Boundary Issues – Commissioner Guilford and Mayor Pilgrim briefly discussed a boundary issue that has arisen along a small stretch of Sheridan. Mayor Pilgrim is assessing the situation with the Mayor of Columbine Valley

and a Denver City Engineer. Annexing the small stretch of right of way or entering into an IGA with Denver could resolve the issue.

New Business


The Board adopted a Proclamation to declare the month of October "Conflict Resolution Month" at the request of State Senator Linda Newell. Tulloch/Giese/Unanimous.

In the interest of promoting healthy living and physical activity in children, the Board adopted a Proclamation to declare September 24, 2011 the "Worldwide Day of Play" at the request of Nickelodeon and the President's Council on Fitness, among other organizations. Giese/Guilford/Unanimous.

The Board also passed a resolution and joined Goddard Middle School in declaring October 5 as "International Walk to School Day." McKittrick/McLaughlin/Unanimous.

Adjournment There being no further business the meeting was adjourned at 10:53 p.m. Giese/Guilford/Unanimous. The next Regular Meeting is scheduled for October 17, 2011 at No. 2 Middlefield Road, Columbine Valley, CO. The meeting will begin at 7:00 p.m.


Richard D. Pilgrim, Mayor


Karel V. Reutzel, Town Clerk and Treasurer